



UNITED STATES PATENT AND TRADEMARK OFFICE

HD

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,818	08/22/2001	Anne O'Malley	03292.101610	8839

5514 7590 06/04/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3691

MAIL DATE	DELIVERY MODE
-----------	---------------

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/934,818	Applicant(s) O'MALLEY ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 20 February 2007.

Status of Claims

2. Claims 1-29 are cancelled. Claims 30-53 are newly added. Therefore claims 30-53 are under prosecution.

Response to Arguments

3. Applicant's arguments with respect to claims 30-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigole U.S. Publication 2001/0049632 A1 in view of Giovannoli U.S. Patent 5,842,178.

Regarding independent claims 30, 38 and 46, Rigole teaches a method for facilitating a request for quotes (RFQ) comprising:

Receiving user data in an RFQ enrollment system, the user data comprising information related to a user and information related to at least one quote desired by the user (page 4, paragraph 0043, page 5, paragraph 0048 and page 8, paragraph 0072 and Figure 3);

Registering the user, using the information related to the user, with the RFQ enrollment system (page 8, paragraph 0072 and Figure 3 and page 5, paragraph 0048);

Transmitting the user data to the plurality of RFQ providers (page 8, paragraph 0073 and Figure 3 and page 6, paragraph 0057); and

Enrolling the user with the plurality of RFQ providers using the information related to the user (page 8, paragraph 0074 and Figure 3 and page 7, paragraph 0063).

Rigole teaches that the service provider provides a price and other terms of service (page 9, paragraph 0088). Further, Rigole teaches sending RFQ (page 4, paragraph 0043). Rigole fails to expressly teach the price is the response from the request for quote. Giovannoli teaches a computerized quotation method in which members register to send RFQs and receive response quotes from their request (column 5, lines 1-15 and claim 5, lines 52-67). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the price posting and matching teachings of Rigole to specify that it is the response quote as taught by Giovannoli because they both reflect the price a service provider is charging for a service requested from a user. There is sufficient motivation to combine since both Rigole and Giovannoli have computer systems designed to bring buyers and service providers together through a quotation means.

Claims 31, 39 and 47, Rigole teaches providing a confirmation of the registration to the user with the RFQ enrollment system (page 5, paragraph 0048; Examiner notes customers can access their application through an identifier and thus confirm they are registered).

Claims 32, 40 and 48, Rigole teaches receiving a confirmation of the enrollment of the user with at least one of the plurality of RFQ providers (page 2, paragraph 0022).

Claims 33, 41 and 49, Rigole teaches providing to the user the confirmation of the enrollment of the user with the plurality of RFQ providers (page 2, paragraph 0022).

Claims 34, 42 and 50, Rigole teaches that the service provider provides a price and other terms of service (page 9, paragraph 0088). Further, Rigole teaches sending RFQ (page 4, paragraph 0043). Rigole fails to expressly teach the price is the response from the request for quote. Giovannoli teaches a computerized quotation method in which members register to send RFQs and receive response quotes from their request (column 5, lines 1-15 and claim 5, lines 52-67). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the price posting and matching teachings of Rigole to specify that it is the response quote as taught by Giovannoli because they both reflect the price a service provider is charging for a service requested from a user. There is sufficient motivation to combine since both Rigole and Giovannoli have computer systems designed to bring buyers and service providers together through a quotation means.

Claims 35, 43 and 51, Rigole teaches billing the user if the user accepts the at least one quote from the at least one of the plurality of RFQ providers (page 6, paragraphs 0059-0060).

Claims 36, 44 and 52, Rigole teaches requesting additional information from the user to be provided to at least one of the plurality of RFQ providers in reply to a request by the at least one plurality of RFQ providers for the additional information (page 9, paragraph 0084 and page 9, paragraph 0092; Examiner notes that the service provider can provide data input fields for the customer to provide additional information above what the customer supplied to the IPCS).

Claims 37, 45 and 53, Rigole teaches receiving information related to the plurality of RFQ providers; and registering the plurality of RFQ providers, using the information related to the plurality of RFQ providers, with the RFQ enrollment system (page 6, paragraph 0056 and page 9, paragraph 0086).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3691

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
15 May 2007



HANI M. KAZIMI
PRIMARY EXAMINER